

Hearing Date: January 18, 2023 at 10:00 a.m. (ET)

Objection Deadline: November 14, 2022

Reply Deadline: December 21, 2022

**GIBSON, DUNN & CRUTCHER LLP**

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*Attorneys for Defendant UBS Europe SE*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS  
Deutschland AG, as successor in interest to  
Dresdner Bank Lateinamerika AG, and LGT BANK  
(SWITZERLAND) LTD. as successor in interest to  
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Proc. No. 12-01577 (CGM)

**NOTICE OF DEFENDANT UBS EUROPE SE'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law of Defendant UBS Europe SE (“**UBS Europe**”), formerly known as UBS Deutschland AG (“**UBS Deutschland**”), as purported successor in interest to Dresdner Bank Lateinamerika AG (“**DBLA**”), in Support of UBS Europe’s Motion to Dismiss the Amended Complaint; the accompanying Declaration of Marshall R. King, and the exhibits thereto; the Amended Complaint filed in the above-captioned adversary proceeding on July 14, 2022 at ECF No. 105 (the “**Amended Complaint**”) by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“**BLMIS**”) and the chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”); and all prior pleadings and proceedings herein, UBS Europe will move this Court on January 18, 2023 at 10:00 a.m. (Eastern Time), or as soon thereafter as counsel may be heard, for an order dismissing the Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on September 2, 2022 at ECF No. 108, the Trustee shall file any papers in opposition to this motion on or before November 14, 2022, and UBS Europe shall file any reply papers in further support of this motion on or before December 21, 2022.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, UBS Europe does not consent to the entry of final orders or judgment by this Court.

Dated: September 15, 2022  
New York, New York

Respectfully Submitted,

**GIBSON, DUNN & CRUTCHER LLP**

/s/ Marshall R. King

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